

9 April 1984

PROGRAM
INTRODUCTION

LEHRER: In the leading headlines today, Nicaragua took the United States to the highest and only international court on charges of trying to overthrow its government. But the U.S. said it wasn't going. The Soviet Union used a press release for its charges the United States is playing dirty politics with the upcoming Olympic Games. Mondale, Jackson and Hart went at it, and each other, one last day before the important Pennsylvania primary. And they worked it out for another try at catching that crippled satellite in space. Robin?

MACNEIL: Tonight, we give special attention to three stories. The Nicaraguan mining. We have a live interview with Sandinista Foreign Minister Miguel D'Escoto. And from Capitol Hill, two congressmen debate the Reagan administration stand on the mining and the world court. The Pennsylvania primary. In the steel town of Beaver Falls, Judy Woodruff explores the Hart-Mondale conflict among union voters. Philadelphia Magazine editor Mike Mallow has a personal essay on how a Democratic contender should see the Keystone State. And the space shuttle. We explain the satellite recovery problems facing the challenger astronauts.

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CENTRAL AMERICA
/U.S. AID

LEHRER: There were several developments today in the growing confrontation over the guerrillas and the mines in Nicaragua. In the Hague, Netherlands, Nicaragua's Sandinista government went the legal route against the United States, charging officially in the International Court of Justice that the U.S. is seeking to destabilize or depose its government. The U.S. said officially it will not recognize the court's jurisdiction, a position that triggered negative reaction abroad from the British and French, among others, and from members of Congress, particularly Democrats, among others here. It all follows major weekend stories in the New York Times and the Washington Post which said the CIA was definitely directing the mining of Nicaragua's harbors. Both papers attributed the stories to unnamed administration and congressional sources. In the past two weeks at least seven ships, including a Soviet oil tanker, have been damaged by mines. It was interesting that the foreign minister of Nicaragua was in Washington, the defendant's capital city, to explain why his government went to court today. MIGUEL D'ESCOTO (Nicaraguan Foreign Minister):

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The United States' covert war has already cost Nicaragua more than 1,300 lives, injuries to many times that number and hundreds of millions of dollars in damage and destruction. In filing this suit we are standing out in defense of the Nicaraguan people's right to self-determination and right to live in an atmosphere of peace which is indefensible for the reconstruction and development of our country. To dispense with the rule of law in international relations is tantamount to condemning humanity to a future of suffering, death and destruction.

LEHRER: And we'll be interviewing Mr. D'Escoto in a few moments. Other ill words about the Reagan administration's position did come today from the U.S. Congress. House Speaker Thomas O'Neill spoke some of the toughest. 'Up to this point, I have contended the Reagan administration's secret war against Nicaragua was morally indefensible,' he said. 'Today it is clear that it is legally indefensible as well.' Others joined the rhetoric battle on the floor of the House of Representatives this morning. REP. MICHAEL D. BARNES (D-Md.): By refusing to accept the jurisdiction of the International Court of Justice over the CIA's mining of Nicaraguan ports, the administration has demonstrated that it knows that its policies can't withstand an inquiry by an impartial objective international body. REP. SAM GIBBONS (D-Fla.): This is a terrible mistake. I hope the appropriate committees of the House and of the Senate will investigate it thoroughly and make the appropriate recommendations to this body for appropriate action. REP. GEORGE MILLER (D-Calif.): I'm sure that when the president has asked for bipartisan support for his foreign policy that plea did not extend to support for state-sponsored terrorism that the Reagan administration is now engaged in against the people of Nicaragua and has received universal condemnation by our allies. REP. JIM LEACH (R-Iowa): To refuse to submit disputes to the World Court and abide by the arbitration that that body takes is to drive a stake into the heart of the rule of law. REP. ROBERTE MATSUI (D-Calif.): The president wants Congress to stop meddling in foreign affairs, but I said to the president, stop meddling with the very principles upon which this country's foreign policy should be based, international peace and self-determination for all people. REP. BERKLEY BEDDELL (D-W.Va.): We are a nation of laws, but today we have an administration that seems to believe it does not have to adhere to domestic, to international law in the conduct of its foreign policies. As lawmakers, we bear the ultimate responsibility for reining in the administration, and the sooner we do it the better. REP. PETER KOSTMAYER (D-Pa.): Contrary to the president's pronouncements, Congress should immediately end all funding for his illegal adventure in Nicaragua before the mining of harbors escalates into the deployment of

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American armed forces. The president formulates, but the Congress appropriates. Cut him off now.

MACNEIL: As we reported, the foreign minister of Nicaragua, Miguel D'Escoto was in Washington today to announce his nation's appeal to the World Court. A former *Marinal priest, father D'Escoto has been Nicaragua's foreign minister since the Sandinistas took power in 1979, and he's with us this evening in Washington. Mr. Foreign Minister, your complaint to the International Court today said Nicaragua has ample proof that the mines were laid in your waters with U.S. involvement. What proof do you have? MIGUEL D'ESCOTO (Nicaraguan Foreign Minister): Well, I don't really want to get into the substance of the, of proof. We have submitted this information to the court, and we shall be submitting more as the process goes on. But you can be assured that none of the allegations and charges are without sufficient and adequate proof. I just want to say for the record, if you, if I may, that I'm not a former Marinal priest, that thank God I, I am a priest and a *Marinaler, in good standing also.

MACNEIL: Thank you. Ah, let me just ask you this about the mining question. Is your proof based on reports that have appeared in the U.S. press or do you have more proof than that? D'ESCOTO: Well, let me also say that this, the filing of this suit is, is not only or exclusive centered around the mining of our ports by the CIA. What we are filing is a complaint for, against the illegal behavior of the United States against Nicaragua in sponsoring this so-called covert war against our country for the last three years. This mining of the ports is only the, the very last expression of this prolonged war.

MACNEIL: The State Department announced yesterday, as you know, that the United States will not accept, it will withdraw from the compulsory jurisdiction of the court for two years on matting, matters regarding Central America. What is your reaction to that? D'ESCOTO: It's tantamount to an admission of guilt.

MACNEIL: Can the case proceed if the United States refuses to accept the jurisdiction? D'ESCOTO: Well, there are cases where in spite of the fact that a country has refused to submit to the country, to accept the jurisdiction, the court proceeds. It remains to be seen what the court will do in, in this instance. But I do believe that there is absolutely no legal ground for the United States to withhold in the very last minute, when it realizes it's going to be brought to court to try to add a last-minute reservation. As you know, when the United States signed the compulsory legislation of the court, the acceptance of that, they introduced three reservations. But I guess they came to the realization that none of them

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work, for this particular instances, that none of them would help to prevent the United States from being taken to court. And so they tried to introduce one at the last minute. But according to the, ah, to the statement introduced by the United States when it accepted compulsory jurisdiction, it said that any change in this situation would necessitate a six-month prior notice. And they did it only hours before it was submitted.

MACNEIL: I see. D'ESCOTO: So it doesn't hold any water, I don't think.

MACNEIL: The State Department said it didn't want to submit to the jurisdiction because your government was about to turn it into a big propaganda forum. D'ESCOTO: Well, ah, you know, when the United States goes to court, as they did only a few years ago, you may recall, in the hostage situation in Tehran, they tried to characterize, they did characterize that as the prudent and proper thing to do. When we go to court, it becomes a publicity stunt. I, I think that once again we are seeing the United States in an effort to discredit the credibility of our government. But we are showing that we are the ones interesting, interested in submitting to the rule of law. And the United States is trying to prevent that and sabotage that process.

MACNEIL: Well, to quote the State Department further, they say that your appeal recently to the United Nations and now to the World Court and, ah, shows that you're not really interested, showing serious interest in addressing regional issues because the real forum for that would be the efforts of the Contadora nations to find a peace settlement. D'ESCOTO: Well, the United States knows very well, as I think everyone knows in the United States, that the United States is not part of Contadora. Now they would like to use the Contadora effort as a shield so that any action can be taken against Nicaragua by countries who are not even members of Contadora. So this is a lot of absurdities that the United States State Department has mentioned.

MACNEIL: The U.S. government, you talked of the danger to humanity and violence and death in your presentation. The U.S. government continues to say and has said again that your government is, ah, is bringing that to bear in El Salvador by sending arms and aid to the rebels who are fighting a legally constituted government in El Salvador. What is your response to that? D'ESCOTO: Well, if the United States government really believes that, I submit that they should take advantage of the mechanisms that the international community provides for the solution of such situations. For example, there is the Security Council. You have the General Assembly. Or, Or you have the

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International Court of Justice. Or they could begin to, to really respond, for example, to the very concrete and specific proposals for resolving this and other issues around Central America that we have presented.

MACNEIL: Is your.... D'ESCOTO: To date, they have not responded.

MACNEIL: Is your government, at present, sending arms and supplies to the guerrillas in El Salvador? D'ESCOTO: I would say that we are doing absolutely nothing, with regard to that issue or any other issue in violation of international law. But one should be very, very careful not to fall in the trap of linking accusations to what they are doing. Because no matter what the reason that they allege, even if they were true, which they are not, that would not justify the clearly illegal actions that the United States is taking against Nicaragua.

MACNEIL: You say you're doing nothing in violation of international law. Are you, in fact, sending arms or weapons to the guerrillas in El Salvador? D'ESCOTO: We have said time and again that we are not. But since after that one you could come with another one of these supposed allegations, I'm saying for all of them absolutely not true. And if they do believe, however, that those things are true, they can go to, to the court or the Security Council or whatever they want to go. But what is not tolerable is the, to accept a country's self-proclaimed right to become the accuser, the judge and the executioner.

MACNEIL: Are you, are you saying that the Reagan administration does not believe that you are sending arms to El Salvador? D'ESCOTO: I think they don't.

MACNEIL: The French government has offered you a mine sweeper or talked of sending you a mine sweeper to clear the mines. Are you, are they going to send it? Have you accepted it? Is it coming? D'ESCOTO: Well, we certainly would accept it. We have manifested our desire that they, alone or in conjunction with other countries, undertake such humanitarian action, and I hope they do.

MACNEIL: Would you seek and accept a mine sweeper from the Soviet Union? D'ESCOTO: I would say that such a humanitarian action could be accepted from any country. But the only ones that I know of that are considering doing this at this point in time are the French.

MACNEIL: Foreign Minister D'Escoto, thank you for joining us. D'ESCOTO: Thank you very much.

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MACNEIL: We asked the U.S. government to give us a spokesman this evening but were turned down. Jim?

LEHRER: House Speaker O'Neill also said today the mining and the international court issue now placed in jeopardy the administration's request for \$21 million in aid for the anti-Sandinista guerrillas. The guerrillas, called the contras, have claimed credit for the mining and today claimed they had killed 54 Nicaragua soldiers in a major ground action there last week. The Senate overwhelmingly approve the new contra aid request last week. The House is to vote on it this week. Two House members who see that issue differently and who have been listening to Foreign Minister D'Escoto with the rest of us tonight are Democrat Peter Kostmayer, of Pennsylvania, a member of the House Foreign Affairs Committee, and Republican Duncan Hunter, of California, a member of the House Armed Services Committee. Congressmen Hunter, defenders of the administration position on this were hard to find today on the floor of the House, and also they wouldn't come. So, and you are outnumbered here tonight. So I'll begin with you. What do you say to, ah, Foreign Minister D'Escoto that the administration's decision not to abide by the court's jurisdiction is tantamount to an admission of guilt? REP. DUNCAN HUNTER (R-Calif.): Well, to begin with, I think it's, ah, a kind of an incredible position that he's taken, in that he is saying essentially that Nicaragua can go to an International Court of Law and preserve their right to continue to receive the resources that are killing people in El Salvador. And, again, the minister declined or said that they essentially are not sending supplies to El Salvador. We have intelligence, which is accepted by both the Democrat side and the Republican side of this House. It was revealed in our secret sessions that we had on the issue last year. They are, and we have, they have seen captured caches of, of weapons. We've seen vehicles that were interdicted going into El Salvador. So they are sending those resources that are coming in from the Russians and other people into El Salvador for, for the use in, in terrorist activity and to kill people. So if you, ah, if you accept that fact, then I think that it's well that the United States has a right, as a party with a critical interest in this, in this issue, to, ah, to reject jurisdiction of the World Court. I think it's very interesting that the Soviet Union doesn't accept jurisdiction of the World Court. And yet the Soviet Union now is claiming, ah, is apparently backing up Nicaragua and saying, 'Yes, the United States should accept the jurisdiction of the very court whose, whose jurisdiction we reject and basically allow them to, ah, to litigate the issue.'

MACNEIL: So you think the administration's correct?

HUNTER: Absolutely. And, and, also, Great Britain,

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Australia and other countries have refused to accept the jurisdiction of the World Court t times when they had a critical strategic interest at stake. And again, with the Soviet Union being in a position where they don't accept the jurisdiction and, ah, and yet saying that the United States should, should come forth and, ah, and see to this jurisdiction is not a responsible position.

LEHRER: Congressman Kostmayer, what is your position on the jurisdiction question. REP. PETER KOSTYMAYER (D-Pa.): Well, I don't think there's any argument that El Salvador has the right to interdict weapons which may or may not be coming from Nicaragua. In fact, last year the House authorized \$80 million to allow El Salvador to do that. No one has any argument with that. That's not the issue. The issue is whether or not this government, through our CIA, should be mining Nicaragua ports. I think that's a reckless and a very dangerous and provocative policy. What will we do when a French hospital ship is destroyed in the port of Corinto and several hundred French are killed? The other is whether or not we're going to abide by the rule of law, and that we've got to do. We may not like the decision they're going to come up with. We don't know what decision they are going to come up with. But really, the rule of law is what's at stake. And what the Reagan administration has done here is simply to suspend the rule of law and to say that the United States of America will not abide by this court decision. The reason they've done it because they, they know they're gonna lose. HUNTER: I think that, ah, the rule of law that we need to, to operate under here is the rule of preservation, the preservation of the Americas and also the right of El Salvador to exist and to defend its borders. And this fiction that we go through, the same fiction that we went through in North Vietnam, where we were still sending foreign aid to nations which were sending military hardware to North Vietnam, ah, to be used against American soldiers and to kill American soldiers is, is something we don't need to indulge ourselves in anymore. Ah, once again.... KOSTMAYER: Let me just say I disagree with that. I think there are legitimate differences between Nicaragua and the United States. The question is in what form will these issues be resolved? HUNTER: Well, I.... KOSTMAYER: In diplomatic form or militarily? HUNTER: Let me.... KOSTMAYER: That, I think, really is the argument. HUNTER: On, on that issue, let's, let's look at the record. Since, ah, since the Sandinistas took over, we've sent some \$102 million to Nicaragua. We have our secretary of state, undersecretary for Latin American Affairs, Tom Enders, in Central America in 1981, trying to work something out with the Nicaraguans. We've had statements, ah, the, the minister talks about the so-called responsibility of Nicaragua,

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we've had Humberto Ortega mention that, at least upon one occasion, that the....

LEHRER: He's one of the Sandinista leaders, right?

HUNTER: Yes. That the Nicaraguans would accept would have to accept Soviet nuclear missiles aimed at the United States. I think that our, ah, our feeling that this is a critical strategic area and that we must....

LEHRER: So, go ahead. HUNTER: Excuse me.

LEHRER: Yeah. HUNTER: And that we must, ah, the only way we're going to be able to really interdict these resources that are going into El Salvador... KOSTMAYER: The interdiction is not the issue. HUNTER: ...is, yes but, but interdiction is the issue because it's much easier to interdict, if you will, or provide preventive maintenance. KOSTMAYER: To mining their ports?

LEHRER: So you support the mining of the ports? That's what I wanna get to? HUNTER: Absolutely, to prevent the, ah.... KOSTMAYER: What right does the United States have to mine ports and harbors in a sovereign country? What if the Nicaraguans mined the port of New York or Philadelphia? HUNTER: Well, let me, let me simply say this. The, the CIA is not, and the United States government is not mining those ports, but the freedom fighters in Nicaragua are mining the ports. And I'm not going to.... KOSTMAYER: You're not serious. We both know that's not true. HUNTER: I'm not going to say that the CIA.... KOSTMAYER: We both sat in the secret session. HUNTER: Yes, but I'm not going to say that the CIA is not involved in that. KOSTMAYER: Very directly involved, there's no question about it. HUNTER: Absolutely, but let me get to my point. They are involved in it. And the, the mining has taken place. No ships have been sunk. They haven't been using mines that are going to sink ships. And you're not going to see hulls going down. But you are going to see, I think, some preventive maintenance. I think we're gonna send that message to our allies, at least, throughout the world, including, and the Russians, as well as other nations, have been sending material... KOSTMAYER: When our allies as well as our enemies are in disagreement with this policy. HUNTER: Absolutely. KOSTMAYER: Not only our foes oppose us, our friends oppose us as well. The British and the French oppose us. HUNTER: But let's go back, let's go back to that opposition. The French and the British also opposed us going into Grenada. If we had listened to the British and French, we would still see General Austin machine-gunning pregnant women in Grenada.. And I think that it's time for the United States to, to take a stand. We are doing something.... KOSTMAYER: To take a stand against Grenada? HUNTER: We are doing

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something that is absolutely legitimate. We are backing up the contras. KOSTMAYER: Well, then, why not, ah..... HUNTER: If you accept the fact that we can back up the.... KOSTMAYER: Well, not, ah, why not go to the World Court? If we're going something which is legitimate, why has the president of the United States said we will not accept the jurisdiction of the court for the next two years? HUNTER: Because.... KOSTMAYER: What are we afraid of? HUNTER: Because we're, the thing that I would be afraid of personally is turning this this thing into a publicity circus for the Nicaraguans and getting away from the substantive issues. And when I say substantive issues, I'm talking about the facts that they haven't had elections in three years. They promised those elections in '79. They're still abusing.... KOSTMAYER: Does that justify the mining of their ports? HUNTER: They're still abusing the Miskito Indians. They are not allowing the freedom of the press that they've promised. We've sent \$102 million in.... KOSTMAYER: But, Duncan, we support many countries which are guilty of those very same things, Chile, for example. HUNTER: Well, I'll tell you what. KOSTMAYER: What is this.... HUNTER: If we're having a debate on, we're having a debate on, on mining Chile, I'll be happy to come back and debate that. But let me.... KOSTMAYER: Well, I'd like to know when this sudden aversion to repressive....

LEHRER: Gentlemen, let's move to the, to the concrete thing that you as members of Congress can do and that is vote one way or another on \$21 million in aid for the contras. House Speaker O'Neill said today, Congressman, that he thought that this action today has killed that aid in the House? Do you agree? HUNTER: I don't agree that, that it does. And, again, to, to answer the whole question, if you're gonna support the contras and you're gonna send them so many millions of dollars, which Mr. Kostmayer has, has correctly brought up, we have sent, I think, against his vote, but we have sent it, then you have to presume that that money is going to be spent in military operations that are going to ultimately result in the, in the goal of those operations.

LEHRER: Somebody getting hurt, somebody getting hurt. HUNTER: Absolutely. And, and, in fact, mining, I would say that mining those, those ports with small mines which damage the ships, perhaps send the insurance rates up but don't sink the hulls is, is, in fact, a lot more safe than, than ambushing.... KOSTMAYER: This is the foreign policy of the Reagan administration. HUNTER: ...than ambushing or interdicting jungle patrols on trails. If you're going to help, ah, the, the freedom fighters in Nicaragua, then you can't, ah, you can't put a lid or a, or some type of restraining device around their policy of, of executing their military operation. KOSTMAYER: Well,

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I think that's our concern, that there is no restraint on this.

LEHRER: And you're opposed to the \$21 million, you have been opposed, and do you agree with, with your speaker that it's, this kills it? KOSTMAYER: I think the speaker's absolutely correct. I don't think they'll get a dime in the House. They got, as you know, last week in the Senate, I think \$21 million attached to the African food bill. HUNTER: That's right. KOSTMAYER: That is now a conferenceable (sic) item. We'll meet in conference as opposed to meeting on the House floor. I don't think the House conferees will give in. I don't think they'll get a dime, nor should it. HUNTER: Let me say that I don't think that the minister's propaganda visit, which is essentially what we've, we've seen here, is going to be successful. And I think that if you support substantively our right to aid the freedom fighters in Nicaragua, then whether or not they use the money in, ah, in setting up mines or in other military operations is not relevant. I think Mr. Kostmayer.... KOSTMAYER: Just let me say the House of Representatives, which has not supported Nicaragua, defeated this measure. And we're all, I think, pretty patriotic in the House of Representatives, regardless of how we vote.

LEHRER: Gentlemen, I'm glad we could resolve it here tonight. (Laughter) Thank you both very much. HUNTER: Thank you. KOSTMAYER: Our pleasure.